

May 19, 1955.

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CONCORD, N.H.

Mr. Ralph G. Carpenter, 2nd
Director, Fish and Game Department
State House Annex
Concord, New Hampshire

Dear Mr. Carpenter:

You have inquired by your letter of May 16, 1955 to the Deputy Attorney General whether the recommendation of the Commissioner of Public Works and Highways and approval of the Governor and Council are necessary for force account projects where federal funds are involved. Please be advised that it is the opinion of this office that such recommendation and approval are required.

Paragraph I, section 13 of chapter 90-A of the Revised Laws as inserted by part 9 of chapter 5, Laws of 1950 as amended by section 1, chapter 253, Laws of 1953, sets forth the policy of the state with respect to major state projects and makes no differentiation as to the source of the funds. Because federal funds are involved does not alter the fact that a project by your department would be a state project to be governed by the provisions of the said paragraph I unless specifically excepted therefrom. It might be noted that one exception from the provisions of the paragraph is for state aid road and state aid bridge projects "where federal funds are not involved" indicating, in one instance, no intention on the part of the Legislature to exclude from the operation of the paragraph projects involving federal funds.

By the last sentence of said paragraph I it is provided the projects not in excess of Ten Thousand Dollars may be done as a force account basis upon the recommendation of the Commissioner with the approval of the Governor and Council; and in an emergency that sum may be exceeded also.

COPY

Ralph G. Carpenter -- 2.

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upon recommendation and approval. As stated above, compliance
with this provision is required where federal funds are involved.

Very truly yours,

Richard C. Duncan
Assistant Attorney General

RCD:Z